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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,704

09/28/2006

Francesco Gueli

A-10199

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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3722

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,704	GUELI ET AL.	
	Examiner	Art Unit	
	Erica E. Cadugan	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

(Firstly, Examiner is acting on the premise that there are only eight Figures in the present application, so the descriptions below relate to the set of drawings only having eight Figures.)

The species of Figures 1-4; the species of Figures 5-8; a not-shown species wherein the guide means consist of rails positioned on the lateral surfaces of the bed (as set forth in claim 3); a not-shown species wherein the drive means "consist of a rack rigid with said bed and at least one pinion rigid with said portal" and also "consist of at least one screw and at least one threaded bush which mutually engage" (as set forth in claim 5, noting that claim 5 depends from claim 4, and thus includes all of the limitations from claim 4, i.e., the drawings do not show the combination set forth in claim 5 of the rack, pinion, screw, and threaded bush, all in the same embodiment); a not shown species or embodiment wherein the drive means "consist of a linear electric motor" as set forth in claim 6 (it is noted that no shown species includes a linear motor at all, and it is also noted that no shown species show the combination of a linear motor in combination with a screw and threaded bush drive means, noting that claim 6 also depends from claim 4, and thus includes all limitations therefrom); a not-shown species wherein the drive means "are positioned on at least one lateral surface of said bed" as set forth in claim 8; a not-shown species wherein "the guide rails are interposed between the outer lateral surface of said bed and the inner lateral surface of said lower crosspieces" (claim 10); and a not-shown species

wherein the "guide rails are interposed between the internal lateral surfaces of said recess and the facing external lateral surfaces of said appendices" (claim 12).

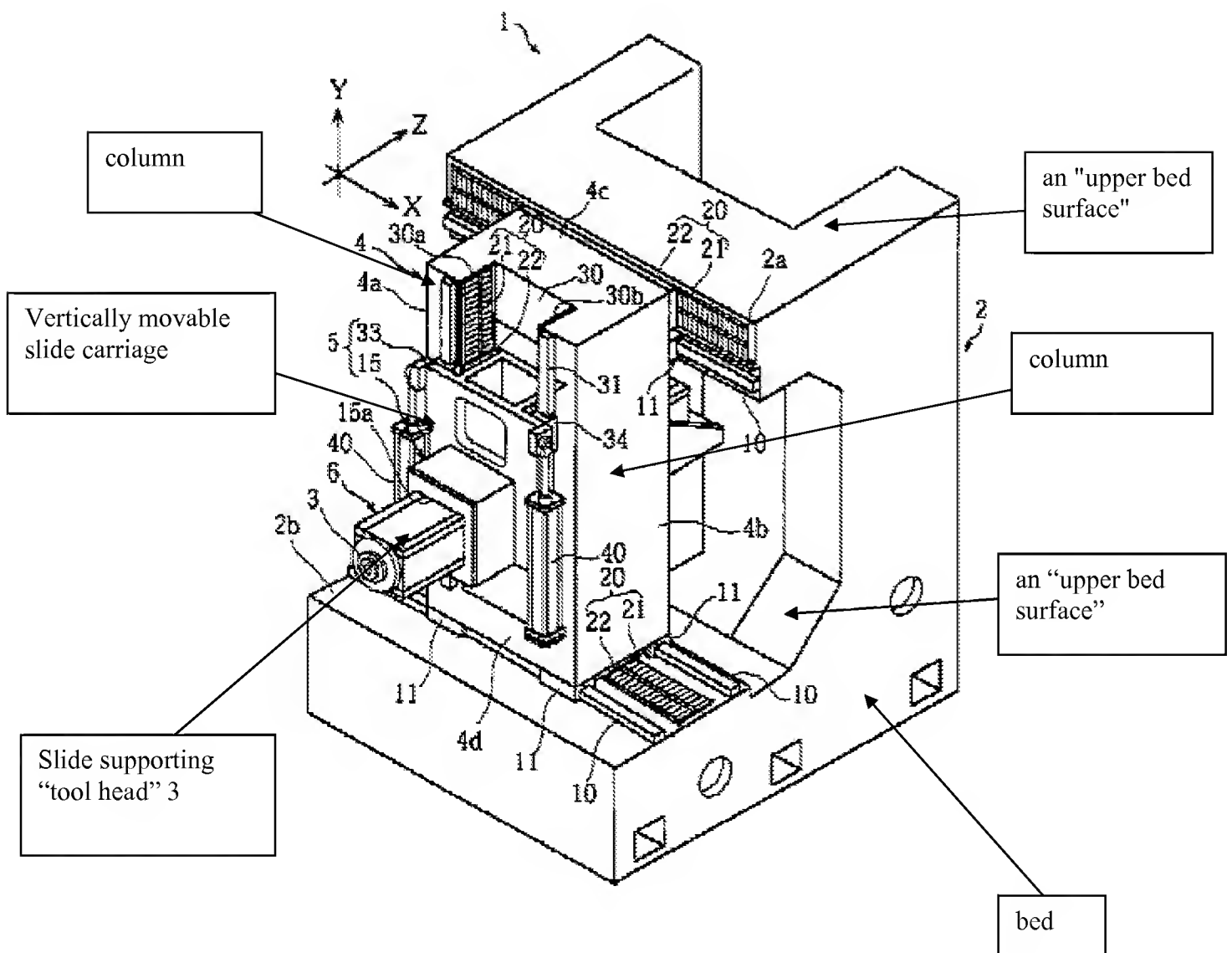
Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

At least claim 1 currently appears to be a generic claim.

2. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: in accordance with the guidance set forth in MPEP section 1850, it has been determined *a posteriori*, i.e., after taking the prior art into consideration, that the features common to all the claims (in this case, the features of independent claim 1) do not constitute "special technical features" since they do not make a "contribution" over the prior art in light of at least JP-10-263960, for example.

【 1 】



Note that element 3 is a tool spindle, and thus, the machine can be used to perform milling and/or boring. Also note that the spindle rotation axis is horizontal (see Figure 1). The “bed” labeled in the above reproduction of Figure 1 is considered to be “monolithic” in that it is shown in one piece, and is considered to be “anchored to the floor” at least insofar as the bed of the present invention is so considered. Additionally, noting that the workpiece would be mounted to some sort of mounting structure or “table” in front of the spindle, which mounting structure would be a separate entity from the shown bed (see Figure 1), the bed is considered to be “separated” from the work table. Also note that the bed has horizontal surfaces and also has horizontally extending portions as shown in Figure 1, and thus, for at least either of those reasons, is considered to be “horizontal”.

Additionally, the element shown as 4 is considered to be a “portal formed column structure supported by the bed and slidable therealong” (along at least guides 10, see Figure 1). The portal 4 has two columns labeled above that are connected together by an “upper crosspiece” (i.e., the element labeled as 30 in Figures 1 and 2).

Re the slide carriage, slide, and spindle or tool head 3, see the above labeled reproduction of Figure 1.

Furthermore, “guide means” in the form of at least guide elements 10 are interposed between the “column structure” and the “bed”, and “drive means” in the form of linear motor 20 are interposed between the “column structure” and the “bed” (see Figure 1).

Additionally, note that the two columns of the portal are connected at the lower portion thereof at at least crosspiece 4d, which crosspiece 4d is placed “at a level” that is “at least partly

lower than the upper surface of said bed", noting that the crosspiece is at least partly lower than the "upper" bed surfaces labeled above, for example.

Thus, the features common to all the claims (in this case, the features of independent claim 1) do not constitute "special technical features" since they do not make a "contribution" over the prior art in light of the teachings of at least JP-10-263960, for example.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
Art Unit 3722

eec
March 24, 2008